

Order

Michigan Supreme Court
Lansing, Michigan

February 23, 2006

Clifford W. Taylor,
Chief Justice

ADM File No. 2006-02

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Amendment of Rules 2.612,
3.802, 5.313, and 9.113
of the Michigan Court Rules

On order of the Court, the following corrections of Rules 2.612, 3.802, 5.313, and 9.113 of the Michigan Court Rules are made, effective May 1, 2006.

[The present language is amended as indicated below.]

Rule 2.612 Relief from Judgment or Order

(A) Clerical Mistakes.

(1) [Unchanged.]

(2) If a claim of appeal is filed or an appellate court grants leave to appeal, the trial court may correct errors as provided in MCR 7.208(A) and (C)~~(B)~~.

(B)-(C)[Unchanged.]

Rule 3.802 Manner and Method of Service

(A) [Unchanged.]

(B) Service When Identity or Whereabouts of Father is Unascertainable

(1) If service cannot be made under subrule (A)(2)~~(a)~~ because the identity of the father of a child born out of wedlock or the whereabouts of the identified father has not been ascertained after diligent inquiry, the petitioner must file proof, by affidavit or by declaration under MCR 2.114(B)(2), of the attempt to identify or locate the father. No further

service is necessary before the hearing to identify the father and to determine or terminate his rights.

(2) [Unchanged.]

(C) [Unchanged.]

Rule 5.313 Compensation of Attorneys

(A)-(E)[Unchanged.]

(F) Claims for compensation, Required Information. Except when the compensation is consented to by all the parties affected, the personal representative must append to an accounting, petition, or motion in which compensation is claimed a statement containing the information required by subrule (C)~~(D)~~.

(G) [Unchanged.]

Rule 9.113 Answer by Respondent

(A) [Unchanged.]

(B) Refusal or Failure to Answer.

(1) [Unchanged.]

(2) The failure of a respondent to answer within the time permitted is misconduct. See MCR 9.104(A)(7).

(3) [Unchanged.]

(C) [Unchanged.]

Staff Comment: The amendment of MCR 2.612(A)(2), 3.802(B)(1), 5.313(F), and 9.113(B)(2), effective May 1, 2006, reflect numbering changes in other rules.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 23, 2006

Corbin R. Davis

Clerk